

REMARKS

Claims 1-16, 18-45, and 47-66 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1, 3-6, 9-16, 18-28, 63, and 65 Under 35 U.S.C. §103(a)

Claims 1, 3-6, 9-16, 18-28, 63, and 65 stand rejected under 35 U.S.C. §103(a) as being obvious over Gray *et al.* (US 6,674,403) in view of Tang *et al.* (US 7,139,557), and in further view of Smith *et al.* (US 2003/0124977). Withdrawal of this rejection is respectfully requested for at least the following reasons.

The prior art reference (or references when combined) must teach or suggest ***all claim limitations***. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Contrary to assertions made by the Examiner, column 8 lines 52-67 of Gray *et al.* as cited in the Office Action does not teach ***learning user behavior***; nor determines ***trends from prior user action*** to anticipate expected availability of a wireless device, as in applicant's claimed invention. Rather, such section of Gray *et al.* discloses statistical modeling approaches that may be used to build ***the signal strength model*** for a wireless unit. (See Gray *et al.* col. 8 "That is, according to this approach, building the statistical signal strength model includes performing a communications signal strength survey of the defined space [...] can either be used as signal sources to be measured by the mobile communications device." Put differently, such section of Gray *et al.* indicates locations wherein the wireless unit supplies a strong signal and locations where such unit supplies a weak signal; and hence related to features of ***the wireless unit*** – and not ***behavior of a user*** thereof, as in applicant's claimed invention.

For example, aspects of applicant's claimed invention employs various inferences to identify a specific context or action (e.g., availability of a wireless device ***based on user behavior***), or can generate a probability distribution over states, for example. The inference can be probabilistic (e.g., computation of a probability distribution over states of interest based on a

consideration of data and events), to **identify user behavior and/or usage trends**. Such aspects of the claimed invention are not taught or suggested by Gray *et al.*, Tang *et al.*, or Smith *et al.* alone or in combination.

Independent claim 1 recites “a classifier that learns **user behavior** of the first wireless device **based on prior usage** to anticipate availability of the one or more other wireless device”; and independent claim 63 recites “a classifier that learns **user trends** when using the first wireless device to anticipate availability of the **one or more other wireless device**”. Likewise, independent claim 65 recites identifying trends in **usage history** to anticipate availability of the wireless device.” Such aspects of the claimed invention are not taught or suggested by Gray *et al.*, in view of Tang *et al.* and Smith *et al.*, alone or in combination.

In view of the at least above comments it is readily apparent that combination of Gray *et al.* in view of Tang *et al.* and Smith *et al.* does not render obvious independent claim 1 (claims 3-6, 9-16, 18-28 dependent thereon), and independent claims 63, 65. This rejection should be withdrawn.

II. Rejection of Claims 38-41, 44-47, 49-54, 56-57, 59-60, 64, and 66 Under 35 U.S.C. §103(a)

Claims 38-41, 44-47, 49-54, 56-57, 59-60, 64, and 66 stand rejected under 35 U.S.C. §103(a) as being obvious over Gray *et al.* in view of Tang *et al.* Independent claim 38 recites “determining trends from **prior user action** when accessing wireless devices” and independent claim 53 recites “means for determining earlier user usage when accessing the one or more wireless devices”. Moreover, independent claim 54 recites “an inference component that determines usage trends of wireless devices by the **detected portable terminal based on usage history**” and independent claim 63 recites “a classifier that learns **user trends** when using the first wireless device to anticipate availability of the one or more other wireless device”. In addition, independent claim 64 recites “a classifier that learns from prior user behavior of the first wireless device to anticipate accessibility of the one or more other wireless devices”, and independent claim 65 recites identifying trends in **usage history** to anticipate availability of the wireless device.” Moreover, independent claim 66 recites “inferring availability of the wireless device based on prior user behavior.” As explained earlier, such aspects of the claimed invention

are not taught or suggested invention by Gray *et al.* alone or in combination with Tang *et al.* Withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 2 Under 35 U.S.C. §103(a)

Claim 2 stands rejected under 35 U.S.C. §103(a) as being obvious over Gray *et al.* in view of Tang *et al.* and Smith *et al.* and further in view of Miyake *et al.* (US 2001/0042118). Claim 2 depends from independent claim 1, and Miyake *et al.* does not make up for the aforementioned deficiencies of Gray *et al.* in view of Tang *et al.* and Smith *et al.* with respect to independent claim 1. Withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 55 and 62 Under 35 U.S.C. §103(a)

Claims 55 and 62 stand rejected under 35 U.S.C. §103(a) as being obvious over Gray *et al.* in view of Tang *et al.* and further in view of Miyake *et al.* Claims 55, 62 depend from independent claim 54 and Miyake *et al.* fails to make up for the deficiencies of Gray *et al.* in view of Tang *et al.* with respect to independent claim 54. Withdrawal of this rejection is respectfully requested.

V. Rejection of Claims 7-8, 29-30, 42-43, 48, 58, and 61 Under 35 U.S.C. §103(a)

Claims 7-8, 29-30, 42-43, 48, 58, and 61 stand rejected under 35 U.S.C. §103(a) as being obvious over Gray *et al.* in view of Tang *et al.* and Smith *et al.* (US 2003/0124977) and further in view of Hollenberg (US 6,091,956). Withdrawal of this rejection is respectfully requested for at least the following reasons. The subject claims depend from independent claims 1, 38, 53, 54 respectively, and Hollenberg fails to make up for the deficiencies of Gray *et al.* in view of Tang *et al.* and Smith *et al.* with respect to the subject independent claims. This rejection should be withdrawn.

VI. Rejection of Claims 42-43, 48, 58, and 61 Under 35 U.S.C. §103(a)

Claims 42-43, 48, 58, and 61 stand rejected again under 35 U.S.C. §103(a) as being obvious over Gray *et al.* in view of Tang *et al.* and further in view of Hollenberg. The subject claims depend from independent claims 38, 53, 54 respectively, and Hollenberg fails to make up

for the deficiencies of Gray *et al.* and Tang *et al.* with respect to the subject independent claims. Withdrawal of this rejection is respectfully requested.

VII. Rejection of Claims 31-37 Under 35 U.S.C. §103(a)

Claims 31-37 stand rejected under 35 U.S.C. §103(a) as being obvious over Gray *et al.* in view of Miyake *et al.* and further in view of Hollenberg. The subject claims depend from independent claims 31, and Hollenberg fails to make up for the deficiencies of Gray *et al.* and Miyake *et al.* with respect to independent claim 31. This rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP429US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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